

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

THE ENGLISH INNS OF COURT

The American Inns of Court are modeled upon the English Inns of Court. English barristers -- lawyers who can appear in English courts -- belong to one of four Inns of Court: Gray's Inn, Lincoln's Inn, the Inner Temple, and the Middle Temple.

"Gray's Inn for walks,
Lincoln's for your call,
the Inner for a garden,
And the Middle for its Hall."

The Inns of Court are ancient, unincorporated bodies of lawyers. For five centuries and more, the Inns have had the power to call to the Bar those of their members who have duly qualified for the rank of Barrister-at-Law. With the power of call goes the power to disbar and punish for misconduct, a power which has had to be exercised only infrequently. In modern times, education for call to the Bar and discipline are largely the business of joint bodies, but the four Inns of Court -- Gray's Inn, Lincoln's Inn, the Inner Temple, and the Middle Temple -- remain distinct, as friendly rivals, each with its own property, duties, and functions. Robert Megarry, An Introduction To Lincoln's Inn (hereinafter, "Megarry").

Gray's Inn

Gray's Inn was formerly the London palace of Lord Gray and is located north of High Holborn Street. "Holborn" refers to the Hole Bourne, a stream which was a tributary of the Fleet River (and, ultimately, the Thames). The Honorable Society of Gray's Inn traces its history to the de Grey family. Many members of the de Grey family were associated with the law. For example, Walter de Grey was Lord Chancellor in 1206-14.

Gray's Inn rose to prominence during the reign of Elizabeth I (1558-1603). Members of the Inn still refer to "Good Queen Bess" with fondness and affection. Shakespeare's Comedy of Errors was first performed in the Hall of Grey's Inn in 1594.

Distinguished members and honorary members of Gray's Inn include Sir William Gascoigne, Lord Chief Justice in the reign of King Henry V, Sir Francis Bacon, later Lord Verulam, Lord Chancellor (and inventor of the scientific method); Lord Macaulay, poet and man of letters; Edward Heath; Sir Winston

Churchill; Franklin D. Roosevelt, President of the United States (1932-45); and H.R.H. Charles, Prince of Wales. The current Lord Chancellor, Lord Elwyn-Jones, is a member of Gray's Inn.

Lincoln's Inn

Lincoln's Inn was formerly the London palace of the Earl of Lincoln. Lincoln's Inn occupies eleven acres in central London, and is situated in the rectangle formed by High Holborn Street on the north, Core Street and the Royal Courts of Justice on the south, Chancery Lane on the east and Lincoln's Inn Fields on the west. The Old Bailey is less than half a mile to the east.

Lincoln's Inn, by tradition, is the oldest of the four Inns of Court. The Inn's formal records, contained in the "Black Books" (so called because of their black covers), go back continuously to 1422.

Some scholars think that the Ordinance of Edward I made in 1292 enabled and inspired the founding of the Inns. That Ordinance placed both branches of the legal profession -- the barristers and the solicitors -- under the control of the judges, and "hastened the end of the clergy as lawyer's in the King's courts." Megarry. The new breed of professional lawyers that began to emerge, "needed places where they could congregate, and where apprentices could be housed." Id. The Inns of Court met those needs.

Distinguished members of Lincoln's Inn include Sir Thomas More (a man for all seasons); Sir Matthew Hale (who entered as a student in 1626); Earl of Mansfield (called to the Bar in 1730); and Lords Brougham, Eldon, and Erskine. Other famous members of Lincoln's Inn include John Donne, Horace Walpole, William Penn, William Pitt, Dwight Eisenhower, and Dean Acheson.

Inner Temple

The Inner Temple is situated in central London, and occupies a large area of land bounded by Fleet Street on the north and Victoria Embankment on the south. The Inner Temple, or "Inner", occupies the long deserted premises of the Knights Templar, an order of chivalry that flourished during the Crusades. The Crusades were military - religious expeditions that Europeans made to the "Holy Lands" -- Jerusalem and other Islamic territories. Those expeditions figure prominently in the legends of Richard the Lion Hearted, Ivanhoe, and Robin Hood, and in the traditions of the Inner and Middle Temples.

Distinguished members of the Inner Temple include Sir Edward Coke, the

father of the common law; Geoffrey Chaucer; and James Boswell, biographer and friend of Dr. Johnson.

The Inner Temple also figures prominently in fiction and literature. Horace Rumpole is a member of the Temple. Some of the action in a Sherlock Holmes story, A Scandal In Bohemia, takes place in the Inner Temple.

Middle Temple

The Middle Temple occupies the same general area as the Inner Temple, and shares a common origin with the Inner. One commentator has described the Middle Temple as "a beautiful bride" and the Inner as "her dull husband". See Timothy Tyndale Daniell, The Lawyers (hereinafter "Daniell").

The Temple divided into two separate societies in approximately 1500. In the nearly five hundred years since the division, the Middle Temple has produced some great and distinguished lawyers: Sir William Blackstone, author of the "Commentaries"; Lord Chancellors Clarendon, Somers, Hardwicke, Eldon, Finlay, Sankey, and Jowitt; and Lords Chief Justices Cockburn, Coleridge, and Reading. See Daniell. Other famous members include Charles Dickens, Sir Francis Drake, Sir Walter Raleigh, Sir Humphrey Gilbert (of Gilbert & Sullivan), and Edmund Burke. Burke wrote "it is not what a lawyer tells me I may do, but what humanity, reason and justice, tell me I ought to do." Id.

* * *

The education of an English barrister is very different from that of an American lawyer. Barristers earn an academic law degree (or its equivalent), and then take the Bar Vocational Course (BVC) at the Inns of Court School of Law in London. Among other things, the BVC affords would-be barristers the opportunity to debate, to moot (hold mock trials), to attend court, and to marshall ("shadow" a judge).

The one year BVC prepares the students for the next step in the education of a barrister, the pupillage. Barristers practice in sets of "chambers", not law firms. Many of the chambers are physically located at the Inns of Court. The pupillage is a series of two or three six month internships -- or "sixes" -- in different sets of chambers.

Pupilages are difficult and demanding. Pupils are assigned to one or more pupilmasters or pupilmistresses, experienced barristers who organize training, allocate work and assess the performance of the prospective barristers. The first

"six" consists of watching and helping more experienced barristers, doing legal research and drafting documents. At the end of the first "six," the pupil receives a certificate authorizing him to take on work of his own.

The transition to the second "six" is significant and quite daunting. This is where you start to build your own reputation. You have cases of your own, clients of your own, court appearances of your own resulting in cases won and lost.
http://www.online.co.uk/bar/becoming_a_barrister/pupillage.html

Pupils compete to obtain junior tenancy in chambers. The competition is fierce. Only about sixty percent (60%) of the students who obtain a pupillage secure a tenancy. Those who succeed become "juniors".

Junior barristers handle small cases on their own and occasionally assist senior barristers in large, important cases. The senior, first chair barristers are referred to (in the context of the case) as "leaders" and "lead" the junior barristers.

After several years of practice, a junior barrister may apply to the Lord Chancellor's office to become a Queen's Counsel, or "Q.C.". Q.C.s are senior barristers, specialists in litigation, and the lawyers most likely to be appointed to senior judgeships. A barrister who becomes a Q.C. is said to "take silk" because Q.C.s wear silk robes rather than the cloth robe of the junior barristers. Q.C.s are also called "silks".

The highest rank of membership in the Inns of Court is the "Bencher", or Master of the Bench. The Benchers are the governing body of the Inn. They meet periodically as a body in Council. Benchers are elected by the Council. It is customary to elect (i) all members of the Inn appointed to high judicial office, (ii) most practicing Q.C.s of more than five or six years standing in silk, and (iii) a few distinguished "juniors" (no matter what their age or years of practice).

Benchers take precedence in the Inn according to the order of their call to the bench, "irrespective of any office or honor they may hold."
<http://qqq.online.co.uk/bar/lincolns/history/benchers.html>. As a consequence, an ordinary lawyer can be senior to a judge, a prime minister or even a Royal Bencher (a member of the royal family who is called to the Bench).